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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,889	10/01/2001	Manabu Deguchi	Q66258	3498

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EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 03/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/965889

Applicant(s)

M. Dequchi

Examiner

S. Chiang

Group Art Unit

2642

#5

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 10-01-01
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-13 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-7, 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Wicks et al. (US 6519480).

Regarding claim 1, Wicks shows a display (15) and a keypad (col. 4, lines 1-3) comprising:

The keypad includes a key section comprising at least one key (14) which is used to select a desired information item (i.e. one of 16) from a plurality of items (i.e. 16) displayed in the display (15) and then to execute a selected information item (col. 3, lines 62-67).

Regarding claim 6, Wicks shows a display (15) and a keypad having two sections (col. 4, lines 1-3) comprising:

One of the two key sections comprises a plurality of key contacts (below 14) which are used to select a desired information item (i.e. one of 16) from a plurality of items (i.e. 16)

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displayed in the display (15) and then to execute a selected information item (col. 3, lines 62-67).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-11, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks et al. in view of Sudo et al. (US 5987336).

Regarding claim 10, Wicks shows a display (15) and a keypad (14, 16) comprising:

The keypad includes a first key section (14) and a second key section (16);

The first key section (14) having key contacts (below 14) which are used to select a desired information item from a plurality of items displayed in the display (15) and then to execute a selected information item (col. 3, lines 62-67);

The second key section having a ten-key pad (16);

Wicks would also have memory and controller for items displayed on the display.

Wicks differs from the claimed invention in that it does not explicitly show a memory and a controller for selecting and executing a name and its destination address.

However, Sudo teaches providing a phone menu, the selecting and executing communication names and their destination addresses.

Hence, it is commonly seen that today's phones having names and destination addresses stored in a memory. Therefore, if it is found that Wicks does not have a name/address menu, then it would have been obvious for one skilled in the art to modify Wicks with a name/address menu with/without the teaching of Sudo, because it is a conventional feature in today's phones, and it also functions as a notebook, in which it allows the user to store data including phone numbers and names. It also allows the user to access the addresses as taught by Sudo and yet keeping the device in small size (col. 2, lines 39-53 in Sudo).

Regarding claims 4-5, 7, 9, 11, 13, Wicks shows:

A joy-stick key (14) which is spaced from other keys (on left side of 14);

The execution key contact is surrounded by movement key contacts (see 14, col. 3, lines 37-67).

5. Claims 2-3, 8, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wicks, or the combination of Wicks and Sudo, in view of Haas (EP 0602840).

Regarding claims 2-3, 8 and 12, Wicks or the combination of Wicks shows joy-stick type of key.

Wicks or the combination of Wicks differs from the claimed invention in that it is not the button-type key having an execution key surrounding by arrow keys.

However, Haas teaches providing a joy-stick key (fig. 2) and its equivalent button key having an execution key surrounding by arrow keys (fig. 4). Further, from the present

application (figs. 1 and 7), it also shows the two types of keys, and there is no teaching of criticality for one type over another.

Hence, it would have been obvious for one skilled in the art to use Wicks' joy-stick key as it is, or replace the joy-stick key with the button keys as taught by Hass. This simply can be considered as a variation of Wicks because the basic operation of the key is substantially unchanged.

(**NOTE:** the present application and its claims involve potential restrictable issues, such as the type of keys in figs. 1 and 7, restriction might be issued depending on applicant's argument in the future).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

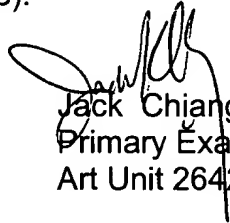
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jack Chiang
Primary Examiner
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